

**From:**  
**Sent:**  
**To:**

LRT (b)(7)(E)  
Friday, February 26, 2016 11:37 PM

(b)(6), (b)(7)(C)

(b)(6) (U.S. Consulate General); (b)(6), (b)(7)(C) COT-AGENTS; 'COT-FOS';  
COT-SUPS; COT-WC; (b)(6), (b)(7)(C) DRT (b)(7)(E)  
(b)(6), (b)(7)(C) FRR PAIC DPAIC GML; FRR  
Watch Commander; FRR-AGENTS; FRR-SUPS; (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C) HEB-AGENTS; HEB-SOS-FOS;  
HEB-SUPERVISORS; HEB-WATCH COMMANDER; (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C) Laredo (b)(7)(E) LAREDO OPS CENTER;  
(b)(6), (b)(7)(C) LRN ALL AGENTS GML; LRN  
SUPERVISORS GML; LRS SHIFT 1; LRS SHIFT 2; LRS SHIFT 3; LRS SHIFT 4; LRS  
(b)(7)(E) LRS SUPS; LRS WATCHCOMMANDER; LRT (b)(7)(E) SBPA GM; LRT (b)(7)(E)  
PAIC APAIC GML; LRT PAO GML; LRT SECTOR STAFF GML; LRT (b)(7)(E) ATG; LRT (b)(7)(E)  
BST; LRT (b)(7)(E) BTC; LRT (b)(7)(E) MCF; LRT (b)(7)(E) PAIC DPAIC; LRT (b)(7)(E) SOS OO; LRT (b)(7)(E)  
SUPS; LRT STATION COMMAND GML; LRT TRAININGSTAFF; LRT (b)(7)(E) AGENTS; LRT-  
(b)(7)(E) MGMT; LRT (b)(7)(E) LETC; LRT-LZT-AGENTS; LRTPSAT; LRW FOS SOS GML; LRW  
SUPERVISORS GML; LRW UNIT A GML; LRW UNIT B GML; LRW UNIT C GML; LRW  
UNIT D GML; LZT Watch Commander; LZT-Operations; LZT-SBPAS; (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C)  
OIC Intake; (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C), (b)(7)(E) DIVISION (b)(7)(E) GML; 'STXBIC'; STXBIC-USERS; (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

**Subject:**

Situational Awareness: Family Unit Credible Fear Scheme

**Attachments:**

(b)(7)(E)-Brazilian Family Unit Schemes.pdf

ALCON,

Agents processing family units from Brazil please view the attached document regarding a **Family Unit Credible Fear Scheme**. Brazilian Family Units are (b)(7)(E)

*Source: Office of Chief Counsel*

Respectfully,

(b)(6), (b)(7)(C)

Border Patrol Agent -  
Laredo Sector Border

(b)(7)(E)

Tel: (b)(6), (b)(7)(C)

(b)(7)(E)

State & Local Law Enforcement Agencies please contact the Laredo

(b)(7)(E)

(b)(7)(E)

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From: (b)(6), (b)(7)(C) On Behalf Of LAREDO

(b)(7)(E)

Sent: Friday, February 26, 2016 10:26 PM

Subject: INFO ALERT: Family Unit Credible Fear Scheme

ALCON,

Please view the attachment which serves as an INFO ALERT regarding a *Family Unit Credible Fear Scheme* where Brazilian Family Units (b)(7)(E) Ensure dissemination to include Officers working Passport Control Secondary.

*Source: Office of Chief Counsel*



DEPARTMENT OF HOMELAND SECURITY  
CUSTOMS AND BORDER PROTECTION  
LAREDO FIELD OFFICE

(b)(7)(E)



(b)(7)(E)

INFO ALERT

(b)(7)(E) 02/26/2016

*Family Unit Credible Fear Scheme*

(b)(5), (b)(7)(E)

*Source: Office of Chief Counsel*

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Respectfully,

(b)(6), (b)(7)(C)

CBP Officer

Emails:

(b)(6), (b)(7)(C)

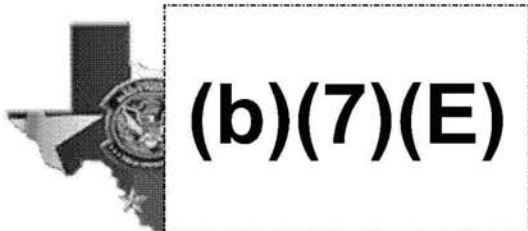
Laredo Field Office | Laredo, Texas

(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)



Report Smuggling Activities at (b)(7)(E)

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DEPARTMENT OF HOMELAND SECURITY  
CUSTOMS AND BORDER PROTECTION  
LAREDO FIELD OFFICE

(b)(7)(E)



(b)(7)(E)

(b)(7)(E) 02/26/2016

*Family Unit Credible Fear Scheme*

(b)(5), (b)(7)(E)

*Source: Office of Chief Counsel*

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EMAIL-00000053



U.S. Customs and Border Protection  
Office of Field Operations

Laredo Port of Entry  
Specific Event Contingency Plan  
Planned Protests and Mass Port Runners for 02/04/2017

**Laredo Port of Entry**  
**Event Specific Contingency Plan – Protests and Mass Port Runners 02/04/2017**

**I. Situation:**

- a) On January 12, 2017 President Obama ended the decades-old policy known as “wet foot, dry foot,” that extended residence in the U.S. to Cubans who arrive without entry documents. The Laredo Port of Entry has seen an increase over the last five (5) of Cubans applying for Asylum. More than any other Customs and Border Protection Field Office along in the Southern land border. Since the Obama administration ended the policy, many Cubans became stranded in Nuevo Laredo, Tamaulipas, Mexico, and recent information states that these individuals are without means and are showing desperation.

These actions are part of the ongoing normalization of relations between the governments of the United States and Cuba, and reflect a commitment to have a broader immigration policy in which we treat people from different countries consistently. To the extent permitted by the current laws of our two countries, the United States will now treat Cuban migrants in a manner consistent with how it treats others; unauthorized migrants can expect to be removed unless they qualify for humanitarian relief under our laws.

- b) On February 2, 2017 the Laredo Port of Entry was made aware through local information of possible mass insurgence/mass port runners of an unknown number of undocumented individuals (mainly Cubans). Information was received that there is a planned protest expected to take place on February 04, 2017 at Gateway to Americas Bridge #1 at approximately 1100 hours CST. The information received made it clear that the planned demonstration will only serve as a distraction to the possible mass insurgence/mass port runners.

- c) The likelihood of the event taking place on federal property is a realistic threat as our

**(b)(5), (b)(7)(E)**

**II. Operational Areas and Processing Areas:**

For the purposes of this contingency plan, the following Laredo Port of Entry international crossings are identified as operational areas and processing areas:

**(b)(5), (b)(7)(E)**

**III. Mission:**

a) Public and Officer Safety in conjunction with maintaining operational efficiency in the processing of legitimate passenger and commercial traffic through the ports of entry.

b) The Laredo Port of Entry will (b)(5), (b)(7)(E)

**(b)(5), (b)(7)(E)**

c) The Laredo Port of Entry will (b)(5), (b)(7)(E)

**(b)(5), (b)(7)(E)**

d) The Laredo Port of Entry will (b)(5), (b)(7)(E)

**(b)(5), (b)(7)(E)**



- e) The Laredo (b)(5), (b)(7)(E) will (b)(5), (b)(7)(E)
- (b)(5), (b)(7)(E)**

- f) CBPEO AUSA Liaison (b)(6), (b)(7)(C) advised AUSA (b)(6), (b)(7)(C) of the possible incursion. There is a strong possibility of Officers being assaulted and CBP will seek prosecution against any violators.

**IV. Execution:**

- a) On February 03, 2017, the Laredo POE management contacted the following officials to discuss the possibility of protests, insurgence or bridge blockades at the Gateway to Americas Bridge.

**(b)(5), (b)(7)(E)**

- b) Gateway to Americas International Bridge will have site dedicated teams composed of Federal, State and local law enforcement agencies. Each agency will operate within their jurisdiction and will provide support if needed.

- c) The Laredo Port of Entry will utilize all available personnel and resources to adequately secure federal property, cargo and travelers within the FIS. Personnel includes:

**(b)(5), (b)(7)(E)**

- d) Upon arrival, if persons associated to the protests/insurgence attempt to unlawfully enter the FIS they will be denied entry and detained. In the event they fail to comply, and become unruly or uncooperative, the **(b)(5), (b)(7)(E)**

**(b)(5), (b)(7)(E)**

- e) In the event these individuals are exposed to OC or gas, they will be **(b)(5), (b)(7)(E)**  
**(b)(5), (b)(7)(E)**

- f) In the event force is applied to these individuals, EMS will be on site to render medical assistance. (Contact UFIT Coordinators via SECTOR to advise of possible uses of force)
- g) In the event that traffic is blocked on city or state roads, respective jurisdictional Law Enforcement agencies will be on site to immediately enforce Texas Laws and eliminate and/or mitigate the impact to traffic.

**(b)(5), (b)(7)(E)**

- h) Due to the potential magnitude of this unprecedented event, the **(b)(5), (b)(7)(E)** **(b)(5), (b)(7)(E)** assigned to the Laredo Port of Entry will be on standby/site to provide tactical support in the event the need arises.

i) Participating Agencies:

**(b)(5), (b)(7)(E)**

V. Uniform and Equipment:

Local uniform policy applies and includes the following:

**(b)(5), (b)(7)(E)**

VI. Administration:

- a) No funding is currently required for this event.
- b) Operation will be executed utilizing local resources.

- c) The (b)(5), (b)(7)(E) will serve as the information coordination center for the operation.

**VII. Command and Control:**

- a) The Port Director or designee will maintain overall control of the operation.  
b) (b)(5), (b)(7)(E) will actively manage and execute the ground operations and maintain communications between all agencies involved.  
c) Watch Commanders, Chiefs and Supervisory CBPOs will maintain control of their personnel and resources.

**VIII. Medical:**

Low risk for injury relating to heat, cold, flora, fauna, drowning, falling, blunt trauma, assault, and gunshot. Emergency Medical Service (EMS) providers will be onsite or ready for deployment using the 911 emergency notification system (i.e., ground ambulance, Life Flight/air ambulance and air evacuation) for treatment and transport to an appropriate medical facility. All casualties will be stabilized and transported to the nearest medical facility according to local EMS protocols.

**IX. Chain of Command:**

(b)(6), (b)(7)(C) Port Director

Office: (b)(6), (b)(7)(C)

Cell: (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C) Deputy Port Director

Office: (b)(6), (b)(7)(C)

Cell: (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C) Assistant Port Director – Border Security

Office: (b)(6), (b)(7)(C)

Cell: (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C) Assistant Port Director – Mission Support

Office: (b)(6), (b)(7)(C)

Cell: (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C) Assistant Port Director – Trade Operations

Office: (b)(6), (b)(7)(C)

Cell: (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C) Chief – Enforcement Operations

Office: (b)(6), (b)(7)(C)

Cell: (b)(6), (b)(7)(C)



(b)(6), (b)(7)(C) Supervisor (b)(7)(E)  
Office: (b)(6), (b)(7)(C)  
Cell: (b)(6), (b)(7)(C)

**Laredo Command Center**

Office: (b)(6), (b)(7)(C)

**Laredo Operations Center**

SCBPO (b)(6), (b)(7)(C)

Office: (b)(6), (b)(7)(C)

**X. Media Interest:**

The Laredo Port of Entry Public Affairs Liaisons (PAL) will be on site to coordinate with media. The media will not be allowed to film from within the FIS. CBP will not conduct any on-camera interviews at the location. If there are any live media trucks that wish to broadcast from the site, they will be directed to designated areas that are away from the FIS and do not impede the flow of traffic.

**XI. Legal:**

The Laredo Port of Entry will refer all legal issues to the local Office of Chief Counsel.

**(b)(5), (b)(7)(E)**



# Homeland Security

February 20, 2017

MEMORANDUM FOR:

Kevin McAleenan  
Acting Commissioner  
U.S. Customs and Border Protection

Thomas D. Homan  
Acting Director  
U.S. Immigration and Customs Enforcement

Lori Scialabba  
Acting Director  
U.S. Citizenship and Immigration Services

Joseph B. Maher  
Acting General Counsel

Dimple Shah  
Acting Assistant Secretary for International Affairs

Chip Fulghum  
Acting Undersecretary for Management

FROM:

John Kelly  
Secretary

A handwritten signature in black ink, appearing to read "John Kelly", written over the printed name and title.

SUBJECT:

**Implementing the President's Border Security and  
Immigration Enforcement Improvements Policies**

This memorandum implements the Executive Order entitled "Border Security and Immigration Enforcement Improvements," issued by the President on January 25, 2017, which establishes the President's policy regarding effective border security and immigration enforcement through faithful execution of the laws of the United States. It implements new policies designed to stem illegal immigration and facilitate the detection, apprehension, detention, and removal of aliens who have no lawful basis to enter or remain in the United States. It constitutes guidance to all Department personnel, and supersedes all existing conflicting policy, directives, memoranda, and other guidance regarding this subject matter—to the extent of the conflict—except as otherwise expressly stated in this memorandum.

**A. Policies Regarding the Apprehension and Detention of Aliens Described in Section 235 of the Immigration and Nationality Act.**

The President has determined that the lawful detention of aliens arriving in the United States and deemed inadmissible or otherwise described in section 235(b) of the Immigration and Nationality Act (INA) pending a final determination of whether to order them removed, including determining eligibility for immigration relief, is the most efficient means by which to enforce the immigration laws at our borders. Detention also prevents such aliens from committing crimes while at large in the United States, ensures that aliens will appear for their removal proceedings, and substantially increases the likelihood that aliens lawfully ordered removed will be removed.

These policies are consistent with INA provisions that mandate detention of such aliens and allow me or my designee to exercise discretionary parole authority pursuant to section 212(d)(5) of the INA only on a case-by-case basis, and only for urgent humanitarian reasons or significant public benefit. Policies that facilitate the release of removable aliens apprehended at and between the ports of entry, which allow them to abscond and fail to appear at their removal hearings, undermine the border security mission. Such policies, collectively referred to as “catch-and-release,” shall end.

Accordingly, effective upon my determination of (1) the establishment and deployment of a joint plan with the Department of Justice to surge the deployment of immigration judges and asylum officers to interview and adjudicate claims asserted by recent border entrants; and, (2) the establishment of appropriate processing and detention facilities, U.S. Customs and Border Protection (CBP) and U.S. Immigration and Customs Enforcement (ICE) personnel should only release from detention an alien detained pursuant to section 235(b) of the INA, who was apprehended or encountered after illegally entering or attempting to illegally enter the United States, in the following situations on a case-by-case basis, to the extent consistent with applicable statutes and regulations:

1. When removing the alien from the United States pursuant to statute or regulation;
2. When the alien obtains an order granting relief or protection from removal or the Department of Homeland Security (DHS) determines that the individual is a U.S. citizen, national of the United States, or an alien who is a lawful permanent resident, refugee, asylee, holds temporary protected status, or holds a valid immigration status in the United States;
3. When an ICE Field Office Director, ICE Special Agent-in-Charge, U.S. Border Patrol Sector Chief, CBP Director of Field Operations, or CBP Air & Marine Operations Director consents to the alien’s withdrawal of an application for admission, and the alien contemporaneously departs from the United States;
4. When required to do so by statute, or to comply with a binding settlement agreement or order issued by a competent judicial or administrative authority;



5. When an ICE Field Office Director, ICE Special Agent-in-Charge, U.S. Border Patrol Sector Chief, CBP Director of Field Operations, or CBP Air & Marine Operations Director authorizes the alien's parole pursuant to section 212(d)(5) of the INA with the written concurrence of the Deputy Director of ICE or the Deputy Commissioner of CBP, except in exigent circumstances such as medical emergencies where seeking prior approval is not practicable. In those exceptional instances, any such parole will be reported to the Deputy Director or Deputy Commissioner as expeditiously as possible; or
6. When an arriving alien processed under the expedited removal provisions of section 235(b) has been found to have established a "credible fear" of persecution or torture by an asylum officer or an immigration judge, provided that such an alien affirmatively establishes to the satisfaction of an ICE immigration officer his or her identity, that he or she presents neither a security risk nor a risk of absconding, and provided that he or she agrees to comply with any additional conditions of release imposed by ICE to ensure public safety and appearance at any removal hearings.

To the extent current regulations are inconsistent with this guidance, components will develop or revise regulations as appropriate. Until such regulations are revised or removed, Department officials shall continue to operate according to regulations currently in place.

As the Department works to expand detention capabilities, detention of all such individuals may not be immediately possible, and detention resources should be prioritized based upon potential danger and risk of flight if an individual alien is not detained, and parole determinations will be made in accordance with current regulations and guidance. *See* 8 C.F.R. §§ 212.5, 235.3. This guidance does not prohibit the return of an alien who is arriving on land to the foreign territory contiguous to the United States from which the alien is arriving pending a removal proceeding under section 240 of the INA consistent with the direction of an ICE Field Office Director, ICE Special Agent-in-Charge, CBP Chief Patrol Agent, or CBP Director of Field Operations.

#### **B. Hiring More CBP Agents/Officers**

CBP has insufficient agents/officers to effectively detect, track, and apprehend all aliens illegally entering the United States. The United States needs additional agents and officers to ensure complete operational control of the border. Accordingly, the Commissioner of CBP shall—while ensuring consistency in training and standards—immediately begin the process of hiring 5,000 additional Border Patrol agents, as well as 500 Air & Marine Agents/Officers, subject to the availability of resources, and take all actions necessary to ensure that such agents/officers enter on duty and are assigned to appropriate duty stations, including providing for the attendant resources and additional personnel necessary to support such agents, as soon as practicable.

Human Capital leadership in CBP and ICE, in coordination with the Under Secretary for

Management, Chief Financial Officer, and Chief Human Capital Officer, shall develop hiring plans that balance growth and interagency attrition by integrating workforce shaping and career paths for incumbents and new hires.

### **C. Identifying and Quantifying Sources of Aid to Mexico**

The President has directed the heads of all executive departments to identify and quantify all sources of direct and indirect Federal aid or assistance to the Government of Mexico. Accordingly, the Under Secretary for Management shall identify all sources of direct or indirect aid and assistance, excluding intelligence activities, from every departmental component to the Government of Mexico on an annual basis, for the last five fiscal years, and quantify such aid or assistance. The Under Secretary for Management shall submit a report to me reflecting historic levels of such aid or assistance provided annually within 30 days of the date of this memorandum.

### **D. Expansion of the 287(g) Program in the Border Region**

Section 287(g) of the INA authorizes me to enter into a written agreement with a state or political subdivision thereof, for the purpose of authorizing qualified officers or employees of the state or subdivision to perform the functions of an immigration officer in relation to the investigation, apprehension, or detention of aliens in the United States. This grant of authority, known as the 287(g) Program, has been a highly successful force multiplier that authorizes state or local law enforcement personnel to perform all law enforcement functions specified in section 287(a) of the INA, including the authority to investigate, identify, apprehend, arrest, detain, transport and conduct searches of an alien for the purposes of enforcing the immigration laws. From January 2006 through September 2015, the 287(g) Program led to the identification of more than 402,000 removable aliens, primarily through encounters at local jails.

Empowering state and local law enforcement agencies to assist in the enforcement of federal immigration law is critical to an effective enforcement strategy. Aliens who engage in criminal conduct are priorities for arrest and removal and will often be encountered by state and local law enforcement officers during the course of their routine duties. It is in the interest of the Department to partner with those state and local jurisdictions through 287(g) agreements to assist in the arrest and removal of criminal aliens.

To maximize participation by state and local jurisdictions in the enforcement of federal immigration law near the southern border, I am directing the Director of ICE and the Commissioner of CBP to engage immediately with all willing and qualified law enforcement jurisdictions that meet all program requirements for the purpose of entering into agreements under 287(g) of the INA.

The Commissioner of CBP and the Director of ICE should consider the operational functions and capabilities of the jurisdictions willing to enter into 287(g) agreements and structure such agreements in a manner that employs the most effective enforcement model for that jurisdiction, including the jail enforcement model, task force officer model, or joint jail enforcement-task force officer model. In furtherance of my direction herein, the Commissioner of

CBP is authorized, in addition to the Director of ICE, to accept state services and take other actions as appropriate to carry out immigration enforcement pursuant to 287(g).

#### **E. Commissioning a Comprehensive Study of Border Security**

The Under Secretary for Management, in consultation with the Commissioner of CBP, Joint Task Force (Border), and Commandant of the Coast Guard, is directed to commission an immediate, comprehensive study of the security of the southern border (air, land and maritime) to identify vulnerabilities and provide recommendations to enhance border security. The study should include all aspects of the current border security environment, including the availability of federal and state resources to develop and implement an effective border security strategy that will achieve complete operational control of the border.

#### **F. Border Wall Construction and Funding**

A wall along the southern border is necessary to deter and prevent the illegal entry of aliens and is a critical component of the President's overall border security strategy. Congress has authorized the construction of physical barriers and roads at the border to prevent illegal immigration in several statutory provisions, including section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, as amended, 8 U.S.C. § 1103 note.

Consistent with the President's Executive Order, the will of Congress and the need to secure the border in the national interest, CBP, in consultation with the appropriate executive departments and agencies, and nongovernmental entities having relevant expertise—and using materials originating in the United States to the maximum extent permitted by law—shall immediately begin planning, design, construction and maintenance of a wall, including the attendant lighting, technology (including sensors), as well as patrol and access roads, along the land border with Mexico in accordance with existing law, in the most appropriate locations and utilizing appropriate materials and technology to most effectively achieve operational control of the border.

The Under Secretary for Management, in consultation with the Commissioner of CBP shall immediately identify and allocate all sources of available funding for the planning, design, construction and maintenance of a wall, including the attendant lighting, technology (including sensors), as well as patrol and access roads, and develop requirements for total ownership cost of this project, including preparing Congressional budget requests for the current fiscal year (e.g., supplemental budget requests) and subsequent fiscal years.

#### **G. Expanding Expedited Removal Pursuant to Section 235(b)(1)(A)(iii)(I) of the INA**

It is in the national interest to detain and expeditiously remove from the United States aliens apprehended at the border, who have been ordered removed after consideration and denial of their claims for relief or protection. Pursuant to section 235(b)(1)(A)(i) of the INA, if an immigration officer determines that an arriving alien is inadmissible to the United States under

section 212(a)(6)(C) or section 212(a)(7) of the INA, the officer shall, consistent with all applicable laws, order the alien removed from the United States without further hearing or review, unless the alien is an unaccompanied alien child as defined in 6 U.S.C. § 279(g)(2), indicates an intention to apply for asylum or a fear of persecution or torture or a fear of return to his or her country, or claims to have a valid immigration status within the United States or to be a citizen or national of the United States.

Pursuant to section 235(b)(1)(A)(iii)(I) of the INA and other provisions of law, I have been granted the authority to apply, by designation in my sole and unreviewable discretion, the expedited removal provisions in section 235(b)(1)(A)(i) and (ii) of the INA to aliens who have not been admitted or paroled into the United States, who are inadmissible to the United States under section 212(a)(6)(C) or section 212(a)(7) of the INA, and who have not affirmatively shown, to the satisfaction of an immigration officer, that they have been continuously physically present in the United States for the two-year period immediately prior to the determination of their inadmissibility. To date, this authority has only been exercised to designate for application of expedited removal, aliens encountered within 100 air miles of the border and 14 days of entry, and aliens who arrived in the United States by sea other than at a port of entry.<sup>1</sup>

The surge of illegal immigration at the southern border has overwhelmed federal agencies and resources and has created a significant national security vulnerability to the United States. Thousands of aliens apprehended at the border, placed in removal proceedings, and released from custody have absconded and failed to appear at their removal hearings. Immigration courts are experiencing a historic backlog of removal cases, primarily proceedings under section 240 of the INA for individuals who are not currently detained.

During October 2016 and November 2016, there were 46,184 and 47,215 apprehensions, respectively, between ports of entry on our southern border. In comparison, during October 2015 and November 2015 there were 32,724 and 32,838 apprehensions, respectively, between ports of entry on our southern border. This increase of 10,000–15,000 apprehensions per month has significantly strained DHS resources.

Furthermore, according to EOIR information provided to DHS, there are more than 534,000 cases currently pending on immigration court dockets nationwide—a record high. By contrast, according to some reports, there were nearly 168,000 cases pending at the end of fiscal year (FY) 2004 when section 235(b)(1)(A)(i) was last expanded.<sup>2</sup> This represents an increase of more than 200% in the number of cases pending completion. The average removal case for an alien who is not detained has been pending for more than two years before an immigration judge.<sup>3</sup> In some immigration courts, aliens who are not detained will not have their cases heard by an

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<sup>1</sup> Notice Designating Aliens Subject to Expedited Removal Under Section 235(b)(1)(a)(iii) of the Immigration and Nationality Act, 67 Fed. Reg. 68924 (Nov. 13, 2002); Designating Aliens For Expedited Removal, 69 Fed. Reg. 48877 (Aug. 11, 2004); Eliminating Exception to Expedited Removal Authority for Cuban Nationals Encountered in the United States or Arriving by Sea, 82 Fed. Reg. 4902 (Jan. 17, 2017).

<sup>2</sup> Syracuse University, *Transactional Records Access Clearinghouse (TRAC) Data Research*; available at [http://trac.syr.edu/phptools/immigration/court\\_backlog/](http://trac.syr.edu/phptools/immigration/court_backlog/).

<sup>3</sup> *Id.*



immigration judge for as long as five years. This unacceptable delay affords removable aliens with no plausible claim for relief to remain unlawfully in the United States for many years.

To ensure the prompt removal of aliens apprehended soon after crossing the border illegally, the Department will publish in the *Federal Register* a new Notice Designating Aliens Subject to Expedited Removal Under Section 235(b)(1)(a)(iii) of the Immigration and Nationality Act, which may, to the extent I determine is appropriate, depart from the limitations set forth in the designation currently in force. I direct the Commissioner of CBP and the Director of ICE to conform the use of expedited removal procedures to the designations made in this notice upon its publication.

#### **H. Implementing the Provisions of Section 235(b)(2)(C) of the INA to Return Aliens to Contiguous Countries**

Section 235(b)(2)(C) of the INA authorizes the Department to return aliens arriving on land from a foreign territory contiguous to the United States, to the territory from which they arrived, pending a formal removal proceeding under section 240 of the INA. When aliens so apprehended do not pose a risk of a subsequent illegal entry or attempted illegal entry, returning them to the foreign contiguous territory from which they arrived, pending the outcome of removal proceedings saves the Department's detention and adjudication resources for other priority aliens.

Accordingly, subject to the requirements of section 1232, Title 8, United States Code, related to unaccompanied alien children and to the extent otherwise consistent with the law and U.S. international treaty obligations, CBP and ICE personnel shall, to the extent appropriate and reasonably practicable, return aliens described in section 235(b)(2)(A) of the INA, who are placed in removal proceedings under section 240 of the INA—and who, consistent with the guidance of an ICE Field Office Director, CBP Chief Patrol Agent, or CBP Director of Field Operations, pose no risk of recidivism—to the territory of the foreign contiguous country from which they arrived pending such removal proceedings.

To facilitate the completion of removal proceedings for aliens so returned to the contiguous country, ICE Field Office Directors, ICE Special Agents-in-Charge, CBP Chief Patrol Agent, and CBP Directors of Field Operations shall make available facilities for such aliens to appear via video teleconference. The Director of ICE and the Commissioner of CBP shall consult with the Director of EOIR to establish a functional, interoperable video teleconference system to ensure maximum capability to conduct video teleconference removal hearings for those aliens so returned to the contiguous country.

#### **I. Enhancing Asylum Referrals and Credible Fear Determinations Pursuant to Section 235(b)(1) of the INA**

With certain exceptions, any alien who is physically present in the United States or who arrives in the United States (whether or not at a designated port of arrival and including an alien who is brought to the United States after having been interdicted in international or United States waters), irrespective of such alien's status, may apply for asylum. For those aliens who are subject

to expedited removal under section 235(b) of the INA, aliens who claim a fear of return must be referred to an asylum officer to determine whether they have established a credible fear of persecution or torture.<sup>4</sup> To establish a credible fear of persecution, an alien must demonstrate that there is a “significant possibility” that the alien could establish eligibility for asylum, taking into account the credibility of the statements made by the alien in support of the claim and such other facts as are known to the officer.<sup>5</sup>

The Director of USCIS shall ensure that asylum officers conduct credible fear interviews in a manner that allows the interviewing officer to elicit all relevant information from the alien as is necessary to make a legally sufficient determination. In determining whether the alien has demonstrated a significant possibility that the alien could establish eligibility for asylum, or for withholding or deferral of removal under the Convention Against Torture, the asylum officer shall consider the statements of the alien and determine the credibility of the alien’s statements made in support of his or her claim and shall consider other facts known to the officer, as required by statute.<sup>6</sup>

The asylum officer shall make a positive credible fear finding only after the officer has considered all relevant evidence and determined, based on credible evidence, that the alien has a significant possibility of establishing eligibility for asylum, or for withholding or deferral of removal under the Convention Against Torture, based on established legal authority.<sup>7</sup>

The Director of USCIS shall also increase the operational capacity of the Fraud Detection and National Security (FDNS) Directorate and continue to strengthen the integration of its operations to support the Field Operations, Refugee, Asylum, and International Operations, and Service Center Operations Directorate, to detect and prevent fraud in the asylum and benefits adjudication processes, and in consultation with the USCIS Office of Policy and Strategy as operationally appropriate.

The Director of USCIS, the Commissioner of CBP, and the Director of ICE shall review fraud detection, deterrence, and prevention measures throughout their respective agencies and provide me with a consolidated report within 90 days of the date of this memorandum regarding fraud vulnerabilities in the asylum and benefits adjudication processes, and propose measures to enhance fraud detection, deterrence, and prevention in these processes.

#### **J. Allocation of Resources and Personnel to the Southern Border for Detention of Aliens and Adjudication of Claims**

The detention of aliens apprehended at the border is critical to the effective enforcement of the immigration laws. Aliens who are released from custody pending a determination of their removability are highly likely to abscond and fail to attend their removal hearings. Moreover, the screening of credible fear claims by USCIS and adjudication of asylum claims by EOIR at

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<sup>4</sup> See INA § 235(b)(1)(A)-(B); 8 C.F.R. §§ 235.3, 208.30.

<sup>5</sup> See INA § 235(b)(1)(B)(v).

<sup>6</sup> See *id.*

<sup>7</sup> *Id.*

detention facilities located at or near the point of apprehension will facilitate an expedited resolution of those claims and result in lower detention and transportation costs.

Accordingly, the Director of ICE and the Commissioner of CBP should take all necessary action and allocate all available resources to expand their detention capabilities and capacities at or near the border with Mexico to the greatest extent practicable. CBP shall focus these actions on expansion of "short-term detention" (defined as 72 hours or less under 6 U.S.C. § 211(m)) capability, and ICE will focus these actions on expansion of all other detention capabilities. CBP and ICE should also explore options for joint temporary structures that meet appropriate standards for detention given the length of stay in those facilities.

In addition, to the greatest extent practicable, the Director of USCIS is directed to increase the number of asylum officers and FDNS officers assigned to detention facilities located at or near the border with Mexico to properly and efficiently adjudicate credible fear and reasonable fear claims and to counter asylum-related fraud.

#### **K. Proper Use of Parole Authority Pursuant to Section 212(d)(5) of the INA**

The authority to parole aliens into the United States is set forth in section 212(d)(5) of the INA, which provides that the Secretary may, in his discretion and on a case-by-case basis, temporarily parole into the United States any alien who is an applicant for admission for urgent humanitarian reasons or significant public benefit. The statutory language authorizes parole in individual cases only where, after careful consideration of the circumstances, it is necessary because of demonstrated urgent humanitarian reasons or significant public benefit. In my judgment, such authority should be exercised sparingly.

The practice of granting parole to certain aliens in pre-designated categories in order to create immigration programs not established by Congress, has contributed to a border security crisis, undermined the integrity of the immigration laws and the parole process, and created an incentive for additional illegal immigration.

Therefore, the Director of USCIS, the Commissioner of CBP, and the Director of ICE shall ensure that, pending the issuance of final regulations clarifying the appropriate use of the parole power, appropriate written policy guidance and training is provided to employees within those agencies exercising parole authority, including advance parole, so that such employees are familiar with the proper exercise of parole under section 212(d)(5) of the INA and exercise such parole authority only on a case-by-case basis, consistent with the law and written policy guidance.

Notwithstanding any other provision of this memorandum, pending my further review and evaluation of the impact of operational changes to implement the Executive Order, and additional guidance on the issue by the Director of ICE, the ICE policy directive establishing standards and procedures for the parole of certain arriving aliens found to have a credible fear of persecution or

torture shall remain in full force and effect.<sup>8</sup> The ICE policy directive shall be implemented in a manner consistent with its plain language. In every case, the burden to establish that his or her release would neither pose a danger to the community, nor a risk of flight remains on the individual alien, and ICE retains ultimate discretion whether it grants parole in a particular case.

#### **L. Proper Processing and Treatment of Unaccompanied Alien Minors Encountered at the Border**

In accordance with section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (codified in part at 8 U.S.C. § 1232) and section 462 of the Homeland Security Act of 2002 (6 U.S.C. § 279), unaccompanied alien children are provided special protections to ensure that they are properly processed and receive the appropriate care and placement when they are encountered by an immigration officer. An unaccompanied alien child, as defined in section 279(g)(2), Title 6, United States Code, is an alien who has no lawful immigration status in the United States, has not attained 18 years of age; and with respect to whom, (1) there is no parent or legal guardian in the United States, or (2) no parent or legal guardian in the United States is available to provide care and physical custody.

Approximately 155,000 unaccompanied alien children have been apprehended at the southern border in the last three years. Most of these minors are from El Salvador, Honduras, and Guatemala, many of whom travel overland to the southern border with the assistance of a smuggler who is paid several thousand dollars by one or both parents, who reside illegally in the United States.

With limited exceptions, upon apprehension, CBP or ICE must promptly determine if a child meets the definition of an “unaccompanied alien child” and, if so, the child must be transferred to the custody of the Office of Refugee Resettlement within the Department of Health and Human Services (HHS) within 72 hours, absent exceptional circumstances.<sup>9</sup> The determination that the child is an “unaccompanied alien child” entitles the child to special protections, including placement in a suitable care facility, access to social services, removal proceedings before an immigration judge under section 240 of the INA, rather than expedited removal proceedings under section 235(b) of the INA, and initial adjudication of any asylum claim by USCIS.<sup>10</sup>

Approximately 60% of minors initially determined to be “unaccompanied alien children” are placed in the care of one or more parents illegally residing in the United States. However, by Department policy and practice, such minors maintained their status as “unaccompanied alien children,” notwithstanding that they may no longer meet the statutory definition once they have been placed by HHS in the custody of a parent in the United States who can care for the minor. Exploitation of that policy led to abuses by many of the parents and legal guardians of those minors and has contributed to significant administrative delays in adjudications by immigration

<sup>8</sup> ICE Policy No. 11002.1: Parole of Arriving Aliens Found to Have a Credible Fear of Persecution or Torture (Dec. 8, 2009).

<sup>9</sup> See 8 U.S.C. § 1232(b)(3).

<sup>10</sup> See generally 8 U.S.C. § 1232; INA § 208(b)(3)(C).



courts and USCIS.

To ensure identification of abuses and the processing of unaccompanied alien children consistent with the statutory framework and any applicable court order, the Director of USCIS, the Commissioner of CBP, and the Director of ICE are directed to develop uniform written guidance and training for all employees and contractors of those agencies regarding the proper processing of unaccompanied alien children, the timely and fair adjudication of their claims for relief from removal, and, if appropriate, their safe repatriation at the conclusion of removal proceedings. In developing such guidance and training, they shall establish standardized review procedures to confirm that alien children who are initially determined to be “unaccompanied alien child[ren],” as defined in section 279(g)(2), Title 6, United States Code, continue to fall within the statutory definition when being considered for the legal protections afforded to such children as they go through the removal process.

#### **M. Accountability Measures to Protect Alien Children from Exploitation and Prevent Abuses of Our Immigration Laws**

Although the Department’s personnel must process unaccompanied alien children pursuant to the requirements described above, we have an obligation to ensure that those who conspire to violate our immigration laws do not do so with impunity—particularly in light of the unique vulnerabilities of alien children who are smuggled or trafficked into the United States.

The parents and family members of these children, who are often illegally present in the United States, often pay smugglers several thousand dollars to bring their children into this country. Tragically, many of these children fall victim to robbery, extortion, kidnapping, sexual assault, and other crimes of violence by the smugglers and other criminal elements along the dangerous journey through Mexico to the United States. Regardless of the desires for family reunification, or conditions in other countries, the smuggling or trafficking of alien children is intolerable.

Accordingly, the Director of ICE and the Commissioner of CBP shall ensure the proper enforcement of our immigration laws against any individual who—directly or indirectly—facilitates the illegal smuggling or trafficking of an alien child into the United States. In appropriate cases, taking into account the risk of harm to the child from the specific smuggling or trafficking activity that the individual facilitated and other factors relevant to the individual’s culpability and the child’s welfare, proper enforcement includes (but is not limited to) placing any such individual who is a removable alien into removal proceedings, or referring the individual for criminal prosecution.

#### **N. Prioritizing Criminal Prosecutions for Immigration Offenses Committed at the Border**

The surge of illegal immigration at the southern border has produced a significant increase in organized criminal activity in the border region. Mexican drug cartels, Central American gangs, and other violent transnational criminal organizations have established sophisticated criminal

enterprises on both sides of the border. The large-scale movement of Central Americans, Mexicans, and other foreign nationals into the border area has significantly strained federal agencies and resources dedicated to border security. These criminal organizations have monopolized the human trafficking, human smuggling, and drug trafficking trades in the border region.

It is in the national interest of the United States to prevent criminals and criminal organizations from destabilizing border security through the proliferation of illicit transactions and violence perpetrated by criminal organizations.

To counter this substantial and ongoing threat to the security of the southern border—including threats to our maritime border and the approaches—the Directors of the Joint Task Forces-West, -East, and -Investigations, as well as the ICE-led Border Enforcement Security Task Forces (BESTs), are directed to plan and implement enhanced counternetwork operations directed at disrupting transnational criminal organizations, focused on those involved in human smuggling. The Department will support this work through the Office of Intelligence and Analysis, CBP's National Targeting Center, and the DHS Human Smuggling Cell.

In addition, the task forces should include participants from other federal, state, and local agencies, and should target individuals and organizations whose criminal conduct undermines border security or the integrity of the immigration system, including offenses related to alien smuggling or trafficking, drug trafficking, illegal entry and reentry, visa fraud, identity theft, unlawful possession or use of official documents, and acts of violence committed against persons or property at or near the border.

In order to support the efforts of the BESTs and counter network operations of the Joint Task Forces, the Director of ICE shall increase the number of special agents and analysts in the Northern Triangle ICE Attaché Offices and increase the number of vetted Transnational Criminal Investigative Unit international partners. This expansion of ICE's international footprint will focus both domestic and international efforts to dismantle transnational criminal organizations that are facilitating and profiting from the smuggling routes to the United States.

#### **O. Public Reporting of Border Apprehensions Data**

The Department has an obligation to perform its mission in a transparent and forthright manner. The public is entitled to know, with a reasonable degree of detail, information pertaining to the aliens unlawfully entering at our borders.

Therefore, consistent with law, in an effort to promote transparency and renew confidence in the Department's border security mission, the Commissioner of CBP and the Director of ICE shall develop a standardized method for public reporting of statistical data regarding aliens apprehended at or near the border for violating the immigration law. The reporting method shall include uniform terminology and shall utilize a format that is easily understandable by the public in a medium that can be readily accessed.

At a minimum, in addition to statistical information currently being publicly reported regarding apprehended aliens, the following information must be included: the number of convicted criminals and the nature of their offenses; the prevalence of gang members and prior immigration violators; the custody status of aliens and, if released, the reason for release and location of that release; and the number of aliens ordered removed and those aliens physically removed.

**P. No Private Right of Action**

This document provides only internal DHS policy guidance, which may be modified, rescinded, or superseded at any time without notice. This guidance is not intended to, does not, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable at law by any party in any administrative, civil, or criminal matter. Likewise, no limitations are placed by this guidance on the otherwise lawful enforcement or litigation prerogatives of DHS.

In implementing this guidance, I direct DHS Components to consult with legal counsel to ensure compliance with all applicable laws, including the Administrative Procedure Act.

EMAIL-000003406:

U.S. Customs and Border Protection National Standards on Transport, Escort, Detention, and Search,  
October 2015

Document has already been made publicly available at:

<https://www.cbp.gov/sites/default/files/assets/documents/2017-Sep/CBP%20TEDS%20Policy%20Oct2015.pdf>

Verified July 17, 2019



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**From:** (b)(6), (b)(7)(C)  
**Sent:** Tuesday, June 6, 2017 4:21 AM  
**To:** HEB-AGENTS  
**Cc:** HEB-SUPERVISORS; HEB-WATCH COMMANDER; HEB PAIC APAIC GML  
**Subject:** Processing Checklists  
**Attachments:** CPU FillSheet 2017.xls

ALCON,

Please use the attached Processing Checklists when processing files. We have received several complaints from the LRTCPU for using old checklists and have had many files returned for corrections in part because of the checklist.

These checklists can also be accessed through the Sharepoint under HEB Resources (follow steps see below).

(b)(7)(E)

**(b)(7)(E)**

**(b)(7)(E)**

Respectfully,

**(b)(6), (b)(7)(C)**

Supervisory Border Patrol Agent

Hebbronville Station

Office: **(b)(6), (b)(7)(C)** | Fax: **(b)(6), (b)(7)(C)**

**(b)(6), (b)(7)(C)**

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**From:** (b)(6), (b)(7)(C)  
**Sent:** Tuesday, August 1, 2017 9:59 AM  
**To:** (b)(6), (b)(7)(C)  
**Cc:** (b)(6), (b)(7)(C) HEB-WATCH COMMANDER; HEB-SUPERVISORS  
**Subject:** FW: FMUA Criteria and Request Process  
**Attachments:** Placement Request - Family Intake.xls; New-Family Unity Space Questionnaire.docx; (b)(7)(E) Criteria (2).docx

Please save this guidance in Sharepoint for quick and future reference.

(b)(6), (b)(7)(C)  
*Deputy Patrol Agent in Charge*  
*Hebbronville Station*

(b)(6), (b)(7)(C) (c)  
(o)

(b)(6), (b)(7)(C)  
HSDN: (b)(6), (b)(7)(C)

*This message contains information intended only for the addressee named above. If you believe you have received this email in error, please notify the sender immediately.*

**From:** (b)(6), (b)(7)(C)  
**Sent:** Tuesday, August 01, 2017 8:30 AM  
**To:** LRS SUPS (b)(7)(E) LRS WATCHCOMMANDER (b)(7)(E) LRN  
SUPERVISORS GML (b)(7)(E) LRN WATCH COMMANDER GML  
(b)(7)(E) FRR Watch Commander (b)(7)(E) FRR-  
SUPS (b)(7)(E) LZT Watch Commander (b)(7)(E) LZT-SBPAS (b)(7)(E)  
(b)(7)(E) COT-SUPS (b)(7)(E) COT-WC (b)(7)(E) HEB-SUPERVISORS  
(b)(7)(E) HEB-WATCH COMMANDER (b)(7)(E) LRW  
SUPERVISORS GML (b)(7)(E) LRW WATCHCOMMANDER GML  
(b)(7)(E)  
**Cc:** (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C)  
**Subject:** FMUA Criteria and Request Process

ALCON,

Attached is the latest criteria and below are the four steps required for intake. We cannot iterate enough, these steps must be followed.

See attachment for the (b)(7)(E) intake criteria provided by ERO.

Steps: (read fully before you begin processing)



1. Family units that do meet the daily intake criteria will be processed as ER, ER/CF, or Reinstatements. Intake requests require a FMUA Questionnaire and Placement Request form (attached), I-213 for every subject, and charging docs (legal side I-860, I-296, I-867A/B).
2. All requests have to go through LRD Intake mail box below.

(b)(7)(E)

**Duty Officer**

(b)(6), (b)(7)(C)

Deportation Officer

DHS/ICE/ERO

(b)(6), (b)(7)(C)

Laredo, Texas 78040

O-

C-

(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

3. After hours approvals will take time so please be patient. ERO will determine if either facility accepted. Please ensure your FMUA meets all criteria especially the medical portion.
4. For family units that are declined at (b)(7)(E) or that do not meet the daily intake criteria, process as WA/NTAs (I862, I-200, I-286) and send the same forms per family member and the questionnaire to both (b)(7)(E) & (b)(7)(E)
5. Please ensure all SBPAs from your station are copied.

Note: Do not copy LRT Juvenile Coordinator, not involved in this process.

If you have any questions or concerns please call our office at (b)(6), (b)(7)(C) or (b)(6), (b)(7)(C)

**Respectfully,**

(b)(6), (b)(7)(C)

**Supervisory Border Patrol Agent**

**Laredo Sector Juvenile Coordinator** (b)(7)(E)

**Office:** (b)(6), (b)(7)(C)

**Mobile:** (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

**WARNING:** This document is LAW ENFORCEMENT SENSITIVE and is designated for OFFICIAL USE ONLY. It contains information that may be exempt from public release under the Freedom of Information Act (5 USC 552). This document is to be controlled, handled, transmitted, distributed, and disposed of in accordance with DHS policy relating to FOUO information, and is not to be released to the public or personnel who do not have a valid "need-to-know" without prior approval from the Office of Border Patrol, Laredo Sector at 956-764-3639.

**KCRC (KARNES) CRITERIA:**

- **Adult Females-Head of Household/ No Adult Males**
- **Accepting Final Orders, Credible Fear, and Reasonable Fear cases**
- **Low Criminal (No Violent offenders, No Felons, No disciplinary infractions, No drug related convictions, No Terrorist)**
- **No Gang affiliation**
- **No History of escape**
- **No Active warrants**
- **No pregnant females MUST be noted on the I-213**
- **All Medical cases need PRE-APPROVAL by a KCRC Supervisor**
- **Male child age criteria for children is 18 months-16.**
- **Female child age criteria for children is 18 months-17.**
- **No USC children**

**STFRC (DILLEY) CRITERIA:**

- **Adult Females-Head of Household/ No Adult Males**
- **No pregnant females MUST be noted on the I-213**
- **Due to current cabin configuration, there are limitations upon families with children under 2 or over 14.**
- **Fully processed ER (8F), ER/CF (8G), and Reinstatement (16) cases will be considered for acceptance into the facility.**
- **Medical Cases must be screened by the medical department prior to acceptance.**
- **Verified/Vetted family-parental relationships**
- **Non-Criminal, Non-Gang affiliated residents will be accepted. Non-violent Misdemeanors will be considered on a case by case basis.**
- **Male child age criteria for children is 12 months-16.**
- **Female child age criteria for children is 12 months-17**
- **No USC children**

**1. Biographical data on all subjects.**

**PARENT:** (Mother/Father)

**A#**

**DOB:** **AGE:**

**COB:**

**CHILD:** (Son/Daughter)

**A#**

**DOB:** **AGE:**

**COB:**

- 2. Relation to one another & how the relation was established (i.e. I.D. cards, Birth Certificates, Enforce, word of mouth).**
- 3. Immigration/Criminal History/Gang Membership.**
- 4. Any medical-health concerns/issues?**
- 5. Any family member suffering from any ailments/injuries?**
- 6. Are any of the females pregnant?**
- 7. Intended destination and/or where they were to reside in the U.S. and with whom.**
- 8. Contact information of any family members or friends (if no family) within the U.S. (i.e. names, phone numbers, addresses).**
- 9. Monetary means to travel (i.e. cash on hand, credit/debit card, transfer of money through relatives).**
- 10. Any claim to credible fear.**
- 11. Possession of valid passports.**
- 12. Estimated time when processing will be complete.**

**\*\*All Family Unit requests will be sent to the LRD/ERO**

**(b)(7)(E)**

**mailbox utilizing the below**

**Subject Title:**

**Station FAMU last names of adult/parent  
(example: LRS FAMU FLORES-Farias)**

**\*\*Note – LRD/ERO will NOT assume custody nor transport any USCs.**

**Enforcement and Removal Operations****SNA Family Intake Unit**STFRC-Dilley ☐**PLACEMENT REQUEST**KCRC-Karnes ☐

This form must be completed for each family member to be presented for acceptance to the South Texas Family Residential Center (STFRC). An I-213 and Charging Documents (I-862, I-860, I-871, etc.) must be provided for **PRELIMINARY** review and approval for placement at STFRC. All placement requests are to be emailed to (b) (7)(E) Please note that the mail box is monitored daily from 8 AM to 4 PM (CST). Placement request received outside of the designated hours will remain in the queue pending review. SNA staff can be reached at (b) (7)(E)

Name (Last, First):	One form per each family member
Nationality:	Family Member (A# and Name) :
Alien Number:	Family Member (A# and Name) :
Date of Birth:	Family Member (A# and Name) :
A# and Name of Primary family member:	Family Member (A# and Name) :

<b>1. CASE TYPE:</b> Expedited Removal      Expedited Removal with Credible Fear Reinstatement      Reinstatement with Reasonable Fear Notice to Appear Other:	<b>5. MEDICAL:</b> <b>Within the past 14 days have you?</b> Experienced difficulty breathing      Yes      No Cough, muscle pain, sore throat      Yes      No Recent fever greater than 100.5      Yes      No Been diagnosed with Pneumonia      Yes      No Requires wheelchair, crutches, etc.      Yes      No Requires isolation from other residents      Yes      No Contact with anyone having SARS      Yes      No Other health concerns or issues      Yes      No <i>List other health concerns or issues</i> _____ _____ On medication      Yes      No <i>List medication</i> _____ _____ <b>Are you pregnant?</b> Yes      No Estimated due date? _____
<b>2. NCIC QUERY:</b> Non-Criminal      Criminal Eligible for placement at STFRC:      Yes      No	
<b>3. VISUAL OBSERVATIONS:</b> Visible Signs of Injury or Illness      Yes      No Physical Deformities:      Yes      No Under the Influence of Drugs/Alcohol:      Yes      No Abnormal Behavior:      Yes      No	
<b>4. MENTAL HEALTH:</b> History of mental health treatment      Yes      No Use of psychotropic medication:      Yes      No Suicidal threats      Yes      No Previous suicide attempts      Yes      No Non-communicative      Yes      No Appears Agitated      Yes      No Appears depressed      Yes      No	

Name and Title of Requesting Official (Print): \_\_\_\_\_

Agency/Office: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Date/Time of Request: \_\_\_\_\_ Fax Number: \_\_\_\_\_

**SNA Family ICE INTAKE USE ONLY**☐ **APPROVED**      ☐ **DENIED**      **Date/Time of Approval:** \_\_\_\_\_

Name of SNA ICE Intake Official (Print): \_\_\_\_\_

Signature of SNA Intake Official: \_\_\_\_\_

Date/Time of Transfer: \_\_\_\_\_ Denial Reason: \_\_\_\_\_

The requesting/sending office will be responsible for providing the receiving facility with the following documents for APPROVED residents:

- I-216 - Record of Persons and Property Transferred
- I-203 - Order to Detain or Release Alien
- Medical Clearance (If Applicable)
- Medical Transfer Summary (If Applicable)



The aforementioned documents need to be emailed to (b) (7)(E) PRIOR to transfer.

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**From:** (b)(6), (b)(7)(C)  
**Sent:** Wednesday, September 6, 2017 5:38 PM  
**To:** HEB-SUPERVISORS; HEB-WATCH COMMANDER  
**Cc:** (b)(6), (b)(7)(C)  
**Subject:** DACA Rescission Guidance  
**Attachments:** DACA Rescission Guidance.pdf

All,

Please review the attached memorandum providing guidance on the rescission of the Deferred Action for Childhood Arrivals (DACA) program.

Highlights:

- USCIS will no longer accept new DACA applications after September 5, 2017
- Documents from current beneficiaries accepted as of September 5, 2017 and from current beneficiaries whose benefits expire between September 5, 2017 and March 5, 2018, that have been accepted as of October 5, 2017 will be processed
- USCIS will reject all requests to renew DACA and associated employment authorizations filed after October 5, 2017
- All individuals who are encountered by USBP and are believed to have entered illegally or out of status will be processed appropriately/accordingly, including all appropriate system checks
- If an agent determines that an individual does have current/valid deferred action through DACA (as described above) and there is no derogatory information indicating other processing is appropriate, the individual should be permitted to depart (memorandum indicates with Chief Patrol Agent or designee approval – authority has been delegated to WCs for approval)
- If derogatory information indicates DACA no longer appropriate, contact USCIS to determine if deferred action can be terminated immediately; even if it cannot be immediately terminated, agent may process the individual for removal
- All other subjects should be processed according to normal procedures
- Rescission of DACA does not alter normal processing requirements (e.g. Credible Fear, TVPRA, etc.)

Reporting Requirements:

- All encounters with subjects claiming DACA, whether valid or invalid, will be documented via (b)(7)(E) and forwarded to the (b)(7)(E) for tracking

LRT PROS can provide further guidance regarding contacted USCIS. Additional guidance will be disseminated as it is received. If you have any questions, please let us know.

V/R,

(b)(6), (b)(7)(C)  
Patrol Agent in Charge  
Hebbbronville Station

(b)(6), (b)(7)(C) Office  
Cellular

*This message contains information intended only for the addressee named above. If you believe you have received this email in error, please notify the sender immediately.*



**U.S. Customs and  
Border Protection**

September 6, 2017

MEMORANDUM FOR: All Chief Patrol Agents  
All Directorate Chiefs

FROM: Carla L. Provost (b)(6), (b)(7)(C)  
Acting Chief  
U.S. Border Patrol

SUBJECT: Guidance on the Acting Secretary's Rescission of the  
Memorandum of June 15, 2012, Establishing DACA

On September 5, 2017, the Acting Secretary of Homeland Security issued a memorandum rescinding the June 15, 2012, memorandum entitled "Exercising Prosecutorial Discretion with Respect to Individuals Who came to the United States as Children," which established a program known as the Deferred Action for Childhood Arrivals (DACA). The Attorney General sent the Department a letter on September 4, 2017, explaining that although such an "open-ended circumvention of immigration laws [by DACA] was an unconstitutional exercise of authority," the Department should still "consider an orderly and efficient wind-down process [of the program]."

As part of that orderly wind-down process, USCIS will no longer accept new DACA applications after September 5, 2017. Documents from current beneficiaries that have been accepted as of September 5, 2017, and from current beneficiaries whose benefits will expire between September 5, 2017, and March 5, 2018, that have been accepted as of October 5, 2017, will be processed. USCIS will reject all requests to renew DACA and associated applications for employment authorizations filed after October 5, 2017.

Agents are reminded that, consistent with existing guidance, all individuals who are encountered by U.S. Border Patrol and are believed to have entered illegally or are out of status at the time of the encounter must be appropriately processed, including all appropriate system checks. Although individuals may have been given deferred action under the DACA program, agents are reminded that deferred action is not, and even under DACA was not, lawful immigration status. Thus, agents must determine for any individual, consistent with the guidance set forth below, whether removal proceedings are appropriate.

When an individual who claims to have DACA is encountered, an agent must first process the individual through the [redacted] system. An individual who has a pending application (that is, it has been accepted by USCIS for processing) for DACA or DACA renewal should be processed as if they have deferred action under DACA, absent derogatory information. If the individual claims to have DACA but does not have documentation of DACA physically available at the time of



processing, the agent should either run a (b)(7)(E) query or, if the agent does not have access to (b)(7)(E) the agent should contact USCIS directly. If an agent determines that the individual does have deferred action through DACA, and that there is no derogatory information indicating other processing is appropriate, the individual should be permitted to depart the Border Patrol facility upon approval by the Chief Patrol Agent or his or her designee. If an agent determines that an individual does not have deferred action (through DACA or otherwise), the individual should be processed according to normal procedures.

Where an agent finds derogatory information indicating that deferred action under DACA may no longer be appropriate, the agent should contact USCIS to determine if the deferred action can be terminated immediately. Even if the deferred action cannot be terminated immediately, the agent may process the individual for removal.

Individuals who may previously have been eligible for DACA but who, as of September 6, 2017, do not have a DACA application accepted for processing by the Department, should be processed according to normal procedures.

The rescission of DACA does not alter in any way the normal processing requirements for those who are encountered without lawful basis to enter or remain in the United States. For instance, the rescission of the DACA guidance does not affect the requirements for those who claim fear of return. Similarly, agents must still comply with the requirements of the Trafficking Victims Protection Reauthorization Act (TVPRA), *Flores*, and all other legal and policy requirements in place.

This Guidance is not intended to, and does not, create any right, benefit, trust, or responsibility, whether substantive or procedural, enforceable at law or equity by a party against the United States, its departments, agencies, instrumentalities, entities, officers, employees, or agents, or any person, nor does it create any right of review in an administrative, judicial, or any other proceeding.



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**From:** (b)(6), (b)(7)(C)  
**Sent:** Thursday, September 7, 2017 12:34 PM  
**To:** HEB-SUPERVISORS; HEB-WATCH COMMANDER  
**Cc:** (b)(6), (b)(7)(C)  
**Subject:** FW: FDACA Rescission Guidance  
**Attachments:** DACA Rescission Guidance.pdf

All,

As a follow up to the email I sent yesterday pertaining to the rescission of DACA, please read below. USCIS contact information is included.

V/R,

(b)(6), (b)(7)(C)  
Patrol Agent in Charge  
Hebbronville Station

(b)(6), (b)(7)(C) Office  
Cellular

*This message contains information intended only for the addressee named above. If you believe you have received this email in error, please notify the sender immediately.*

**From:** (b)(6), (b)(7)(C)  
**Sent:** Thursday, September 07, 2017 10:59 AM  
**To:** LRT STATION COMMAND GML (b)(7)(E)  
**Cc:** (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

**Subject:** FDACA Rescission Guidance

Station Commanders:

As discussed yesterday:

Significant Dates:

- USCIS will no longer accept initial request for DACA applications after September 5, 2017;
- USCIS will reject all request to renew DACA and associated applications for employment authorizations filed after October 5, 2017;
- Individuals who may previously have been eligible for DACA but who, as of September 6, 2017, do not have a DACA application accepted should be processed accordingly.

Encounters: Claims DACA

- If an agent encounters an individual who claims to have deferred action through DACA and its verified, the subject will be released. An (b)(7)(E) will be generated with all pertinent information. (b)(7)(E) will be tracking these encounters;

- If its determined that the individual does not have deferred action through DACA, the subject will be processed accordingly. An (b)(7)(E) will also be generated with all pertinent information. (b)(7)(E) **will be tracking these encounters.**

The rescission of DACA does not alter in any way the normal processing requirements for those who are encountered without lawful basis to enter or remain in the United States:

- Credible Fear
- Trafficking Victims Protection Reauthorization Act (TVPRA)
- Flores vs. Reno
- All other legal and policy requirements in place

The Laredo Sector Prosecutions Office is also available to assist with any questions that you may have, and / or assist with conducting additional record checks to obtain a proper disposition. LRT-Pros may be reached at (b)(7)(E)

USCIS may also be contacted for additional guidance:

(b)(6)

Records Manager

USCIS San Antonio

8940 Fourwinds Dr.

San Antonio, TX 78329

(b)(6)

Please contact me if you hae additional questions...

(b)(6), (b)(7)(C)

(a) Assistant Chief Patrol Agent

Laredo Sector

Office: (b)(6), (b)(7)(C) | CELL: (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

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**From:** (b)(6), (b)(7)(C)  
**Sent:** Thursday, October 26, 2017 10:07 AM  
**To:** HEB-SUPERVISORS  
**Cc:** HEB-WATCH COMMANDER; HEB PAIC APAIC GML  
**Subject:** FW: 2017 Removal Outline Update  
**Attachments:** Asylum and Protection Law (b)(6), (b)(7)(C) Oct 24 2017.docx; Removal And Inadmissibility 2017 oct 24.docx; Relief and Waiver Manual 2017 oct 24.docx

Please see attached...

(b)(6), (b)(7)(C)  
Deputy Patrol Agent in Charge  
Hebbroville Station

(b)(6), (b)(7)(C) (c)  
(o)

This message contains information intended only for the addressee named above. If you believe you have received this email in error, please notify the sender immediately.

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**From:** (b)(6), (b)(7)(C)  
**Sent:** Wednesday, October 25, 2017 3:45:11 PM  
**To:** LRT STATION COMMAND GML  
**Subject:** FW: 2017 Removal Outline Update

Station Commanders:

For dissemination...

(b)(6), (b)(7)(C)  
(a) Assistant Chief Patrol Agent  
Laredo Sector  
Office: (b)(6), (b)(7)(C) CELL (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C)

**From:** (b)(6), (b)(7)(C)  
**Sent:** Wednesday, October 25, 2017 6:14 AM  
**To:** BP INTEL FIELD PAICs-DPAICs (b)(7)(E)  
**Cc:** BPHQG2 (b)(7)(E) OPS PROGRAMS FOREIGN OPERATIONS  
(b)(7)(E)  
**Subject:** 2017 Removal Outline Update

Great ERO documents..... Please send to the field as you deem appropriate....

(b)(6), (b)(7)(C)

Director

Northern Border Coordination Center (NBCC)

40741 School House Rd. Building (b)(6), (b)(7)(C) Selfridge ANGB, MI, 48045

U.S. Border Patrol Intelligence Division - HQ

(b)(6), (b)(7)(C) (O)

(C)

UNCLASS - (b)(6), (b)(7)(C)

HSDN - (b)(6), (b)(7)(C)

CALEO Chairman 2017

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**From:** (b)(6), (b)(7)(C)  
**Sent:** Monday, November 20, 2017 9:55 AM  
**To:** HEB-SUPERVISORS; HEB-WATCH COMMANDER  
**Subject:** FW: IMPORTANT UPDATED GUIDANCE: Processing Guidance for FMUAs and ERO  
**Attachments:** FINAL Immigration Priorities 10.08.17.pdf  
  
**Importance:** High

All,

Please read below regarding a temporary change to Family Unit (FMUA) processing. How we process FMUAs will vary based on notifications from ERO regarding detention capacities. Archive accordingly.

V/R,

(b)(6), (b)(7)(C)  
Patrol Agent in Charge  
Hebbronville Station

(b)(6), (b)(7)(C) Office  
Cellular

*This message contains information intended only for the addressee named above. If you believe you have received this email in error, please notify the sender immediately.*

**From:** (b)(6), (b)(7)(C)  
**Sent:** Monday, November 20, 2017 7:01 AM  
**To:** LRT STATION COMMAND GML (b)(7)(E)  
**Subject:** FW: IMPORTANT UPDATED GUIDANCE: Processing Guidance for FMUAs and ERO

PAIC's,

Please brief out the below temporary change concerning FMUA's.

Thank you,

(b)(6), (b)(7)(C)  
(a) Division Chief  
Laredo Sector

(b)(6), (b)(7)(C) - Office  
- Cell

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**From:** (b)(6), (b)(7)(C)  
**Sent:** Friday, November 17, 2017 11:11:36 PM  
**Subject:** IMPORTANT UPDATED GUIDANCE: Processing Guidance for FMUAs and ERO



Chief / Deputies: The below is a **temporary change** to Chief Provost' guidance dated November 15, 2017, as it relates to the processing of Family Units (FMUAs) as Expedited Removals (ER) versus Warrant of Arrest / Notice to Appear (WA/NTA).

Historically, this comes at a time when USBP experiences a low seasonal trend in apprehensions; however, due to ERO's current detention challenges, over the past several months we have seen large numbers of family units gather south of the border and an increase of FMUAs apprehended by Border Patrol agents (BPAs). USBP will not release illegal aliens in custody. All USBP apprehensions that require detention will be transferred to ERO for long term holding and processing.

Currently, ERO is at full capacity within their Family Residential Centers (FRCs) which house illegal aliens comprised of family units. In the last few days, USBP has been experiencing significant operational challenges due to the processing and holding of FMUAs as ERs due to ERO's inability to pick up and transfer these FMUAs out of USBP custody. ERO has requested that we process FMUAs as WA/NTAs when they are at full capacity in the FRCs. It is easier for ERO to change their custody status of WA/NTAs under these considerations. As a reminder, USBP will not release illegal aliens from custody. Custody determinations are made by ERO.

**Below are ERO's requirements for notification:**

- The ERO FODs will notify USBP Headquarters and Sectors when ERO is at capacity and USBP will need to process as WA/NTAs;
- Similarly, ERO FODs will make notification when bed space is available and USBP will return to processing as ERs.

To that end, USBP will continue to process as ERs unless notified by the FODs of no bedspace availability. USBP will then process as WA/NTAs as needed. Once we are notified ERO has bed space available, we will process as ERs. We understand that this may create a strain on our processing capabilities; however, we will not let this affect our operations and you will need to adjust accordingly. With that said, CBP will be standing up the Migration CAT once again to assist with monitoring and managing the situation. From this day forward, all Sectors will report daily the numbers of WA/NTA's due to lack of detention space. The CBP Migration CAT will coordinate the tracking and reporting. Please provide the daily numbers to LEOD until the CAT stands up on Monday, 11/20/17. Further direction will be forthcoming from the CAT.

Expedited Removal is the preferred consequence as detention and removal is key to reducing pull factors that have a negative impact on total flow. We stand by the President's Immigration priorities (document attached) and will continue to push forward on these priorities, while mitigating external factors (ERO's detention space) that impact our USBP operations. We will use this current environment to demonstrate to Congress that these are the challenges and issues that require legislative changes that USBP Headquarters has been working to accomplish.

**Instructions for I-213 Narrative for WA/NTA Paperwork:**

- Please have your processing personnel insert the following statement in **ALL** FMUAs I-213s that are processed as WA/NTA "Subject will be turned over to ICE – ERO as WA/NTA due to lack of bed space at the FRC."

If you have any questions, please feel free to contact me.

Thank you!

(b)(6), (b)(7)(C)

Regards,

(b)(6), (b)(7)(C)

Deputy Chief – LEOD / Operations

U.S. Border Patrol Headquarters

(b)(6), (b)(7)(C)

(office)

(cell)



## **IMMIGRATION PRINCIPLES & POLICIES**

### ***1. BORDER SECURITY***

- A. ***Border Wall.*** Our porous southern border presents a clear threat to our national security and public safety, and is exploited by drug traffickers and criminal cartels. The Administration therefore proposes completing construction of a wall along the southern border of the United States.
- i. Ensure funding for the southern border wall and associated infrastructure.
  - ii. Authorize the Department of Homeland Security (DHS) to raise, collect, and use certain processing fees from immigration benefit applications and border crossings for functions related to border security, physical infrastructure, and law enforcement.
  - iii. Improve infrastructure and security on the northern border.
- B. ***Unaccompanied Alien Children.*** Loopholes in current law prevent “Unaccompanied Alien Children” (UACs) that arrive in the country illegally from being removed. Rather than being deported, they are instead sheltered by the Department of Health and Human Services at taxpayer expense, and subsequently released to the custody of a parent or family member—who often lack lawful status in the United States themselves. These loopholes in current law create a dramatic pull factor for additional illegal immigration and in recent years, there has been a significant increase in the apprehensions of UACs at our southern border. Therefore, the Administration proposes amending current law to ensure the expeditious return of UACs and family units.
- i. Amend the *William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008* (TVRPA) to treat all UACs the same regardless of their country of origin, so long as they are not victims of human trafficking and can be safely returned home or removed to safe third countries.
  - ii. Clarify that alien minors who are *not* UACs (accompanied by a parent or legal guardian or have a parent or legal guardian in the United States available to provide care and physical custody) are not entitled to the presumptions or protections granted to UACs.
  - iii. Terminate the Flores Settlement Agreement (FSA) by passing legislation stipulating care standards for minors in custody and clarify corresponding provisions of the TVRPA that supersede the FSA.
  - iv. Amend the definition of “special immigrant,” as it pertains to juveniles, to require that the applicant prove that reunification with both parents are not viable due to abuse, neglect, or abandonment and that the applicant is a victim of trafficking. The current legal definition is abused, and provides another avenue for illicit entry.
  - v. Repeal the requirement that an asylum officer have initial jurisdiction over UAC asylum applications to expedite processing.



C. ***Asylum Reform.*** The massive asylum backlog has allowed illegal immigrants to enter and stay in the United States by exploiting asylum loopholes. There are more than 270,000 pending cases in the asylum backlog before USCIS, and approximately 250,000 asylum cases before EOIR. Therefore, the Administration proposes correcting the systemic deficiencies that created that backlog.

- i. Significantly tighten standards and eliminate loopholes in our asylum system.
- ii. Elevate the threshold standard of proof in credible fear interviews.
- iii. Impose and enforce penalties for the filing of frivolous, baseless, or fraudulent asylum applications, and expand the use of expedited removal as appropriate.
- iv. Close loopholes in the law to bar terrorist aliens from entering the country and receiving any immigration benefits.
- v. Clarify and enhance the legal definition of “aggravated felony” to ensure that criminal aliens do not receive certain immigration benefits.
- vi. Expand the ability to return asylum seekers to safe third countries.
- vii. Ensure only appropriate use of parole authority for aliens with credible fear or asylum claims, to deter meritless claims and ensure the swift removal of those whose claims are denied.
- viii. Prevent aliens who have been granted asylum or who entered as refugees from obtaining lawful permanent resident status if they are convicted of an aggravated felony.
- ix. Require review of the asylee or refugee status of an alien who returns to their home country absent a material change in circumstances or country conditions.

D. ***Ensure Swift Border Returns.*** Immigration judges and supporting personnel face an enormous case backlog, which cripples our ability to remove illegal immigrants in a timely manner. The Administration therefore proposes providing additional resources to reduce the immigration court backlog and ensure swift return of illegal border crossers.

- i. Seek appropriations to hire an additional 370 immigration judges.
- ii. Establish performance metrics for immigration judges.
- iii. Seek appropriations to hire an additional 1,000 U.S. Immigration and Customs Enforcement (ICE) attorneys, with sufficient support personnel.
- iv. Ensure sufficient resources for detention.

E. ***Inadmissible Aliens.*** The current statutory grounds for inadmissibility are too broad, and allow for the admission of individuals who threaten our public safety. Therefore, the Administration proposes expanding the criteria that render aliens inadmissible and ensure that such aliens are maintained in continuous custody until removal.

- i. Expand the grounds of inadmissibility to include gang membership.
- ii. Expand the grounds of inadmissibility to include those who have been convicted of an aggravated felony; identity theft; fraud related to Social Security benefits; domestic violence; child abuse; drunk driving offenses; failure to register as a sex offender; or certain firearm offenses, including the unlawful purchase, sale, possession, or carrying of a firearm.

- iii. Expand the grounds of inadmissibility to include former spouses and children of individuals engaged in drug trafficking and trafficking in persons, if the official determines the divorce was a sham or the family members continue to receive benefits from the illicit activity.
- F. ***Discourage Illegal Re-entry.*** Many Americans are victims of crime committed by individuals who have repeatedly entered the United States illegally, which also undermines the integrity of the entire immigration system. Therefore, the Administration proposes increasing penalties for repeat illegal border crossers and those with prior deportations.
- G. ***Facilitate the Removal of Illegal Aliens from Partner Nations.*** Current barriers prevent the Federal Government from providing assistance to partner nations for the purpose of removing aliens from third countries whose ultimate intent is entering the United States. Therefore, the Administration proposes authorizing DHS to provide foreign assistance to partner nations to support migration management efforts conducted by those nations. This will allow DHS to improve the ability of Central and South American countries to curb northbound migration flows and to interrupt ongoing human smuggling, which will also substantially reduce pressures on U.S. taxpayers.
- H. ***Expedited Removal.*** Limited categories of aliens are currently subject to expedited removal, which erodes border integrity and control by impeding the ability of the Federal Government to efficiently and quickly remove inadmissible and deportable aliens from the United States. The Administration seeks to expand the grounds of removability and the categories of aliens subject to expedited removal and by ensuring that only aliens with meritorious valid claims of persecution can circumvent expedited removal.

## 2. *INTERIOR ENFORCEMENT*

- A. ***Sanctuary Cities.*** Hundreds of sanctuary jurisdictions release dangerous criminals and empower violent cartels like MS-13 by refusing to turn over incarcerated criminal aliens to Federal authorities. Therefore, the Administration proposes blocking sanctuary cities from receiving certain grants or cooperative agreements administered or awarded by the Departments of Justice and Homeland Security
- i. Restrict such grants from being issued to:
    - a. Any state or local jurisdiction that fails to cooperate with any United States government entity regarding enforcement of federal immigration laws;
    - b. Any entity that provides services or benefits to aliens not entitled to receive them under existing Federal law; and
    - c. Any state or local jurisdiction that provides more favorable plea agreements or sentencing for alien criminal defendants for the purpose of immigration consequences of convictions.
  - ii. Clarify ICE's detainer authority, and States' and localities' ability to honor that authority, so that States will continue to detain an individual pursuant to civil immigration law for up to 48 hours so that ICE may assume custody.



- iii. Provide indemnification for State and local governments to protect them from civil liability based solely on compliance with immigration detainers and transportation of alien detainees.
- iv. Require State and local jurisdictions to provide all information requested by ICE relating to aliens in their custody and the circumstances surrounding their detention.
- v. Clarify the definition of a criminal conviction for immigration purposes, to prevent jurisdictions from vacating or modifying criminal convictions to protect illegal immigrants, and roll back erosion of the criminal grounds of removal by courts under the “categorical approach.”

B. ***Immigration Authority for States and Localities.*** The prior Administration suppressed cooperative partnerships between the Federal Government and State or local governments that wanted to help with immigration enforcement, undermining the security of our communities. Therefore, the Administration proposes enhancing State and local cooperation with Federal immigration law enforcement in order to ensure national security and public safety.

- i. Clarify the authority of State and local governments to investigate, arrest, detain, or transfer to Federal custody aliens for purposes of enforcing Federal immigration laws when done in cooperation with DHS.
- ii. Authorize State and local governments to pass legislation that will support Federal law enforcement efforts.
- iii. Incentivize State and local governments to enter into agreements with the Federal Government regarding immigration enforcement efforts.
- iv. Provide the same extent of immunity to State and local law enforcement agencies performing immigration enforcement duties within the scope of their official role as is provided to Federal law enforcement agencies.

C. ***Visa Overstays.*** Visa overstays account for roughly 40 percent of illegal immigration. The Administration therefore proposes strengthening the removal processes for those who overstay or otherwise violate the terms of their visas, and implementing measures to prevent future visa overstays which may account for a growing percentage of illegal immigration.

- i. Discourage visa overstays by classifying such conduct as a misdemeanor.
- ii. Require that all nonimmigrant visas held by an alien be cancelled when any one nonimmigrant visa held by that alien is cancelled, to ensure that if an alien abuses one type of visa, he cannot circumvent the immigration system by then relying on another type of visa to enter the United States.
- iii. Bar all visa overstays from immigration benefits for a certain period of time with no waiver.
- iv. Clarify that the government does not bear any expense for legal counsel for any visa overstay in removal or related proceedings.
- v. Require DHS to provide all available data relating to any deportable alien to the Department of Justice’s National Crime Information Center for purposes of that alien’s inclusion in the Immigration Violators File, with the exception of aliens who cooperate with DHS on criminal investigations.

- vi. Enhance the vetting of bond sponsors for those aliens who enter without inspection, to ensure that bond sponsors undergo thorough background checks prior to being eligible to post or receive a bond.
  - vii. Permit the Department of State to release certain visa records to foreign governments on a case-by-case basis when sharing is in the U.S. national interest.
  - viii. Permit the Department of State to review the criminal background of foreign diplomats or government officials contained in the National Crime Information Center database before visa adjudication, regardless of whether the applicant's fingerprints are in the database.
- D. **Necessary Resources.** The relatively small number of ICE officers is grossly inadequate to serve a nation of 320 million people with tens of millions of tourists and visitors crossing U.S. ports of entry every year. Therefore, the Administration proposes providing more resources that are vitally needed to enforce visa laws, restore immigration enforcement, and dismantle criminal gangs, networks and cartels.
- i. Seek appropriations to hire an additional 10,000 ICE officers.
  - ii. Seek appropriations to hire an additional 300 Federal prosecutors to support Federal immigration prosecution efforts.
  - iii. Reforms to help expedite the responsible addition of new ICE personnel.
- E. **Detention Authority.** Various laws and judicial rulings have eroded ICE's ability to detain illegal immigrants (including criminal aliens), such that criminal aliens are released from ICE custody into our communities. Therefore, the Administration proposes terminating outdated catch-and-release laws that make it difficult to remove illegal immigrants.
- i. Ensure public safety and national security by providing a legislative fix for the *Zadvydas* loophole, and authorizing ICE, consistent with the Constitution, to retain custody of illegal aliens whose home countries will not accept their repatriation.
  - ii. Require the detention of an alien: (1) who was not inspected and admitted into the United States, who holds a revoked nonimmigrant visa (or other nonimmigrant admission document), or who is deportable for failing to maintain nonimmigrant status; and (2) who has been charged in the United States with a crime that resulted in the death or serious bodily injury of another person.
- F. **Legal Workforce.** Immigrants who come here illegally and enter the workforce undermine job opportunities and reduce wages for American workers, as does the abuse of visa programs. Therefore, the Administration increasing employment verification and other protections for U.S. workers.
- i. Require the use of the electronic status-verification system ("E-Verify") to ensure the maintenance of a legal workforce in the United States.
  - ii. Preempt any State or local law relating to employment of unauthorized aliens.
  - iii. Impose strong penalties, including debarment of Federal contractors, for failure to comply with E-Verify.

- iv. Increase penalties for any person or entity engaging in a pattern or practice of violations.
- v. Require the Social Security Administration to disclose information to DHS to be used in the enforcement of immigration laws.
- vi. Expand the definition of unlawful employment discrimination to include replacement of U.S. citizen workers by nonimmigrant workers or the preferential hiring of such foreign workers over U.S. citizen workers.
- vii. Strengthen laws prohibiting document fraud related to employment or to any other immigration benefit.

G. ***Deportable Aliens.*** The categories of aliens that currently qualify for deportation are insufficiently broad to remove aliens who pose a threat to the security of the American public. Therefore, the Administration proposes expanding and clarifying the type of aliens who present a danger to Americans and should therefore be removable on an expedited basis.

- i. Expand grounds of deportability to explicitly include gang members.
- ii. Expand the grounds of deportability to include those convicted of multiple drunk driving offenses or a single offense involving death or serious injury.
- iii. Expand the grounds of deportability to include those who fail to register as a sex offender.
- iv. Clarify the technical definition of “aggravated felony” by referring to “an offense relating to” each of the categories of crimes, rather than specifying the crimes themselves. This will ensure certain kinds of homicide, sex offenses, and trafficking offenses are encompassed within the statutory definition.

H. ***Gang Members.*** Today, known gang members are still able to win immigration benefits despite the dangers they pose to American society. As such, the Administration proposes implementing measures that would deny gang members and those associated with criminal gangs from receiving immigration benefits.

I. ***Visa Security Improvements.*** Without sufficient resources, the State Department is hindered from adequately vetting visa applicants. As such, the Administration proposes enhancing State Department visa and traveler security resources and authorities.

- i. Expand the Department of State’s authority to use fraud prevention and detection fees for programs and activities to combat all classes of visa fraud within the United States and abroad.
- ii. Ensure funding for the Visa Security Program and facilitate its expansion to all high-risk posts.
- iii. Increase the border crossing card fee.
- iv. Grant the Department of State authority to apply the Passport Security Surcharge to the costs of protecting U.S. citizens and their interests overseas, and to include those costs when adjusting the surcharge.
- v. Strengthen laws prohibiting civil and criminal immigration fraud and encourage the use of advanced analytics to proactively detect fraud in immigration benefit applications.

### 3. *MERIT-BASED IMMIGRATION SYSTEM*

A. *Merit-Based Immigration.* The current immigration system prioritizes extended family-based chain migration over skills-based immigration and does not serve the national interest. Decades of low-skilled immigration has suppressed wages, fueled unemployment and strained federal resources. Therefore, the Administration proposes establishing a merit-based immigration system that protects U.S. workers and taxpayers, and ending chain migration, to promote financial success and assimilation for newcomers.

- i. End extended-family chain migration by limiting family-based green cards to spouses and minor children and replace it with a merit-based system that prioritizes skills and economic contributions over family connections.
- ii. Establish a new, points-based system for the awarding of Green Cards (lawful permanent residents) based on factors that allow individuals to successfully assimilate and support themselves financially.
- iii. Eliminate the “Diversity Visa Lottery.”
- iv. Limit the number of refugees to prevent abuse of the generous U.S. Refugee Admissions Program and allow for effective assimilation of admitted refugees into the fabric of our society.



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**From:** (b)(6), (b)(7)(C)  
**Sent:** Tuesday, January 16, 2018 12:08 PM  
**To:** (b)(6), (b)(7)(C)  
**Subject:** FW: Tracking of ER Conversions to WA/NTA  
**Attachments:** USBP ER\_NTA Conversions.xlsx; FW: IMPORTANT: Processing Guidance for FMUAs and ERO; FW IMPORTANT UPDATED GUIDANCE Processing Guidance for FMUAs and ERO.msg

(b)(6), (b)(7)(C)

Who is LRT's POC for this and is the LSOC going to maintain the USBP ER NTA Conversion form?

V/R,

(b)(6), (b)(7)(C)  
Interim Patrol Agent in Charge  
Zapata Station

(b)(6), (b)(7)(C) Office  
Cellular

*This message contains information intended only for the addressee named above. If you believe you have received this email in error, please notify the sender immediately.*

**From:** (b)(6), (b)(7)(C)  
**Sent:** Friday, January 12, 2018 4:38 PM  
**To:** LRT STATION COMMAND GML (b)(7)(E)  
**Subject:** FW: Tracking of ER Conversions to WA/NTA

(b)(6), (b)(7)(C)  
(a) Division Chief  
Laredo Sector

(b)(6), (b)(7)(C) - Office  
- Cell

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**From:** (b)(6), (b)(7)(C)  
**Sent:** Friday, January 12, 2018 2:34:48 PM  
**To:** LRT STAFF TASKS  
**Subject:** FW: Tracking of ER Conversions to WA/NTA

FYSA and immediate action

**From:** (b)(6), (b)(7)(C)  
**Sent:** Friday, January 12, 2018 4:30 PM  
**To:** BP Field Chiefs (b)(7)(E) BP Field Deputies (b)(7)(E)  
**Cc:** PROVOST, CARLA (USBP) (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

USBP LEOD Associate Chiefs: (b)(7)(E)

**Subject:** Tracking of ER Conversions to WA/NTA

Chiefs / Deputies-

On November 17, 2017, Deputy Chief (b)(6), (b)(7)(C) iterated guidance (see attached) as it relates to processing FMUA's as Expedited Removals (ER) and not Warrant of Arrest/Notice to Appear (WA/NTA). This guidance articulated that FMUA's may be processed as WA/NTAs only when Family Residential Centers (FRC) are at full capacity.

This means all aliens amenable to ER will be processed as an ER unless notified there is no bed space. In addition, USBP will not release illegal aliens from custody without approval from Chief Provost. Requests for release from custody will be transmitted to the respective LEOD Corridor (east or west) and staffed through HQ.

These guidelines are critical. To ensure apprehensions are processed via ER and only those requiring issuance of a NTA/WA receive one, the following actions will occur:

1. Sectors identify a primary and secondary POC to review processing matters with HQ staff. Transmit POCs via email by 12:30 pm January 16, 2017 to respective corridor liaisons.
2. Sectors report the amount of conversions from ER to NTA/WA to the Migration CAT (MCAT) daily by 8:00 am (via attached form)
3. Sectors submit all requests to OR individuals to LEOD for routing to Chief Provost's office for approval

It is critical that your POCs are identified in a timely manner. These individuals will be our initial point of contact for matters involving conversions after departing USBP custody. Additionally, the MCAT and LEOD Ops teams will utilize the identified POCs to de-conflict matters associated with the review of records, bed space, ORs and other matters deemed essential.

To review the processing dispositions, HQ will work with your POCs to sample the dispositions of previously detained illegal aliens. It is critical that we review this matter appropriately and provide Chief Provost with the information necessary to advocate for additional bed space for illegal aliens detained by the Border Patrol.

Thank you for your adherence to this guidance and providing your POCs in a timely manner. I realize that this adds additional work for your teams, we have tried to pull this info electronically, but we are unable to track the conversions accurately. With the numbers of conversions that we believe are taking place, we have to provide accurate justification to fix the issue.

Please call me if you have any questions or concerns.

V/r,

(b)(6), (b)(7)(C)